

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**BILL DRAFT 2005-RIz-14 [v.4] (04/14)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/16/2006 9:57:13 AM**

Short Title: Amend Sanitary District Authority.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTHORITY OF SANITARY DISTRICTS TO  
REQUIRE CONNECTIONS TO WATER AND SEWER SYSTEMS, AS  
RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-55 reads as rewritten:

"A sanitary district board shall be a body politic and corporate and may sue and be  
sued in matters relating to the sanitary district. Notwithstanding any limitation in the  
petition under G.S. 130A-48, but subject to the provisions of G.S. 130A-55(17)e, each  
sanitary district may exercise all of the powers granted to sanitary districts by this  
Article. In addition, the sanitary district board shall have the following powers:

...

(16) To adopt rules for the promotion and protection of the public health  
and for these purposes to possess the following powers:

- a. ~~To require any person owning, occupying or controlling  
improved real property within the district to connect with either  
or both the water or sewage systems of the district when the  
local health director, having jurisdiction over the property,  
determines that the health of the people residing within the  
district will be endangered by a failure to connect. To require  
the owners of developed property on which there are situated  
one or more residential dwelling units or commercial  
establishments located within the jurisdiction of the district and  
within a reasonable distance of any waterline or sewer  
collection line owned, leased as lessee, or operated by the  
district to connect the property with the waterline, sewer  
connection line, or both and fix charges for the connections.~~

1                   The power granted by this subdivision may be exercised by a  
2                   district only to the extent that the service, whether water, sewer,  
3                   or a combination thereof, to be provided by the district is not  
4                   then being provided to the improved property by any other  
5                   political subdivision or by a public utility regulated by the  
6                   North Carolina Utilities Commission pursuant to Chapter 62 of  
7                   the General Statutes. In the case of improved property that  
8                   would qualify for the issuance of a building permit for the  
9                   construction of one or more residential dwelling units or  
10                  commercial establishments and where the district has installed  
11                  water or sewer lines or a combination thereof directly available  
12                  to the property, the district may require payment of a periodic  
13                  availability charge, not to exceed the minimum periodic service  
14                  charge for properties that are connected.

15                  ..."

16                  **SECTION 2.** This act becomes effective September 1, 2006.